Schedule A C3

Manitoba

POLICY

For the Provision of

DISASTER FINANCIAL ASSISTANCE

Province of Manitoba

Disaster Financial Assistance Policy

and

Guidelines and Interpretations

CONTENTS

	Page
DISASTER FINANCIAL ASSISTANCE POLICY	
Purpose	1
Authority	1
Definitions	1
Policy	2
GUIDELINES AND INTERPRETATIONS	
Purpose	5
Guidelines, General	7
Guidelines, Administration	11
Administrative Procedures	13
Intrepretation, General	15
Intrepretation, Public Sector	19
Intrepretation, Individual	23
Intrepretation, Business and Farm	25
ANNEXES	
Annex "A" - Appeal Procedures	27
Annex "B" - Application Form	28
Annex "C" - Financial Examples	29

Province of Manitoba

Disaster Financial Assistance Policy

1.0 PURPOSE

1.1 To assist municipalities, certain businesses and individuals financially when the eligible costs incurred resultant from a diaster do not exceed the threshold at which Federal Disaster Assistance Arrangements are applicable, but exceed the threshold which any one municipality may reasonably be expected to bear on its own.

1.2 To ensure that regulations, if any, and guidelines respecting Provincial Diaster Financial Assistance Policy are, wherever possible, consistent with Federal Disaster Financial Assistance Guidelines in order to maintain continuity in the disposition of disaster assistance claims regardless of which government level provides the financial assistance.

2.0 AUTHORITY

2.1 The Emergency Measure Act, being Chapter E80 of the Consolidated Statutes of Manitoba, empowers the Lieutenant Governor-in-Council to authorize those actions as may be necessary for the protection and/or restoration of property during a state of civil disaster.

3.0 DEFINITIONS

3.1 In this Policy and in the Interpretation and Guidelines thereto:

a. "Board" means the Manitoba Disaster Assistance Board;

b. "disaster" means a calamity or any emergency, other than a war emergency, caused by accident or the forces of nature and which has resulted or may result in serious harm to the safety, health or welfare of people, or in widespread damage to property or the environment;

c. "expenditure" means those costs deemed eligible for compensation as defined within the guidelines;

d. "guidelines" means the Interpretation and Guidelines to the Manitoba Disaster Financial Assistance Policy;

e. "Minister" means the member of the Executive Council charged with the administration of the Emergency Measures Act;

f. "municipality" means a city, town, village, rural municipality, local government district, conservation district or Northern Affairs community;

g. "policy" means the Manitoba Disaster Financial Assistance Policy;

h. "threshold" means Eligible Costs to the value of one dollar per capita of the population is defined as Statistics Canada population estimate for the month of June preceeding the disaster;

i. "small business" means an operation which is owner-operated and where the owner/operator is acting as a day-to-day manager of the operation and is dependent for his main livelihood on the operation. The individual concerned should have no other major source of income;

j. "full-time farmer" means a farm operation where the person derives his or her sole or major source of income from the farm. Hobby farms or farming operations where the individual concerned has an unrelated full-time job have not been deemed eligible for compensation.

4.0 DISASTER FINANCIAL ASSISTANCE

4.1 The Province of Manitoba/Minister may enter into agreements with municipalities, businesses and/or individuals respecting financial assistance toward costs incurred resultant from a disaster.

4.2 Public Sector

4.2.1 Where the costs of a disaster are deemed to constitute an unreasonable financial burden upon a municipality, the Province of Manitoba may provide financial assistance in accordance with Section 4.2.2.

4.2.2 The cost-sharing formula stated herein, by implication defines the "unreasonable financial burden upon a municipality" and the sharing of that burden by the Province of Manitoba, as follows:

Per Capita Eligible Cost	Provincial Share	Municipal Share
$0.00 to $1.00	0%	100%
$1.01 to $3.00	50%	50%
$3.01 to $5.00	75%	25%
$5.01 plus	90%	10%

4.2.3 This provincial/municipal cost-sharing formula is adapted from the federal/provincial cost-sharing formula outlined below:

Federal/Provincial Cost-sharing Forumula (See note below)

Provincial Per Capita Eligible Cost	Federal Share	Provincial Share
$0.00 to $1.00	0%	100%
$1.01 to $3.00	50%	50%
$3.01 to $5.00	75%	25%
$5.01 plus	90%	10%

NOTE: The above formula is not part of this policy.

4.3 Private Sector

4.3.1 Where the costs of a disaster are deemed to constitute an unreasonable financial burden upon a business and/or individuals the Province of Manitoba may provide financial assistance as follows:

a. Business - per disaster, claim not to exceed $30,000.00, subject to a deductible amount of $250.00 or 25% of approved costs, whichever is greater.

b. Individual - per disaster, claim not to exceed $30,000.00, subject to a deductible amount of $250.00 or 25% of approved costs, whichever is greater.

4.4 Exceptions

4.4.1 The Province of Manitoba/Minister may waive all or any portion of the municipal, business and/or individual's financial share of disaster costs.

4.4.2 In these instances where the costs of a disaster exceed a threshold of $1.00 per capita of the provincial population and/or where the Government of Canada participates in the provision of financial assistance reimbursement of private sector claimants shall remain as provided in 4.3 above.

GUIDELINES AND INTERPRETATIONS

Province of Manitoba

Guidelines for Disaster Costs Eligible for Financial Assistance

5.1 The purpose of the Guidelines is to provide guidance for officials who are responsible for evaluating and determining the quantum of eligibility of those costs which are directly associated and resultant from a disaster/emergency and its immediate effects to form a basis for cost-sharing between Provincial and Municipal Governments.

5.2 The Guidelines do not refer to projects and undertakings designed to reduce vulnerability in the event of recurrence of a disaster or to assist the post-disaster economy of an area or community, as these, while important, are considered to be part of the normal intergovernmental arrangements. It is suggested, however, that such problems should be considered at an early date following a disaster.

5.3 The Guidelines do not refer to any post-disaster assistance by government to large businesses or industry whose continued operation may be vital to the economy of a community. It is recognized that there may be occasions when such assistance may be warranted. A special study should be made in such instance. Refer to sections 12.2, 12.2.1 and 12.2.2.

5.4 These Guidelines are meant for general application to all types of disasters and to varying circumstances across the province. They have been developed, therefore, using general terms accompanied by examples of intent where necessary. It should not be construed that the omission of any item or contingency means that it need not be considered at the time of a disaster. Each event will require an analysis of its own special requirements.

CATEGORIES OF ELIGIBLE COSTS

6.1 In all cases "eligible costs" means expenditures incurred by the municipal governments.

6.2 Immediate Disaster Assistance for Municipalities - Eligible costs are those incurred relative to the following:

a. The rescue, transportation, emergency health arrangements and emergency food, shelter, clothing and transportation of persons, including the provision and restoration of facilities used for those purposes;

b. The rescue, transportation, shelter and food for livestock, including the provision and restoration of facilities used for those purposes;

c. Action taken on orders of the proper authorities to reduce the extent of damage by the removal of valuable chattels and hazardous materials from the area of immediate risk, including the provision of storage space, transportation and evacuation of residents;

d. The determination of the area and containment of the extent of the disaster, including emergency provision of essential community services, equipment, material and labour for protective works for individual protection and that of publicly owned institutions and utilities;

e. The provision of emergency medical care of casualties resulting from the disaster or any epidemic and the transportation of casualties attributable to the disaster;

f. The transportation of regular patients who must be evacuated to accommodate the treatment of disaster victims;

g. Special security measures;

h. Special communications facilities;

i. Emergency control headquarters;

j. Special registration and inquiry services.

6.3 Post Disaster Assistance for Individuals - Eligible costs may include:

a. Restoration, to a pre-disaster condition or replacement to a depreciated value of, or repairs to, immovable real property, any normally occupied dwelling place, appurtenant buildings, greenhouses and contents, farm buildings and items essential to a farming operation, where such dwelling place is used entirely for

living accommodation, or partly for living accommodation and the earning of livelihood by a member or members of the family unit;

b. Restoration, replacement or repairs to pre-disaster condition of chattels, furnishings and clothing of an essential nature as these may be determined for each disaster (e.g. stoves, refrigerators, bed, heavy winter clothing); but shall not include items of a luxury or recreational nature;

c. Assistance in the re-establishment of a small business where the owner's livelihood has been materially affected. This shall include costs for restoration of farm lands to a workable condition where a farm operation has been seriously affected by flood erosion or land gouging;

d. Costs of damage inspection and administrative assistance excluding those incurred by elected officials and/or permanent staff of municipalities;

e. For losses and damages to stored hay, feed or grain, refer to section 13.4.

6.4 Post Disaster Assistance in the Public Sector - Eligible costs are those relative to the following:

a. Clearing of debris and wreckage, to include the following:

(i) Channels and streams as may be necessary;
(ii) intake and outfall of sewer and storm drains to permit adequate functioning of the system;
(iii) water supply reservoirs as necessary;
(iv) removal of buildings which constitute a definite threat to public safety;
(v) removal of trees and limbs to ensure public safety;

b. Protective health and sanitation facilities;

c. Repairs to pre-disaster condition of streets, roads, bridges, wharves and docks;

d. Repairs to dikes, levees and drainage facilities including flood control and irrigation systems including removal of emergency works and restoration of their sites to pre-disaster condition;

e. Repairs to municipal and public buildings and their related equipment. These include schools, hospitals, public libraries, penal and welfare intitutions, police and fire stations, public office buildings and public recreational facilities such as bathing beaches, zoos, parks, golf courses and community centres;

f. Repairs to publicly-owned sewer and water utilities. Repair costs for damage to crown corporations except those supplying sewer and water service, would be ineligible;

g. Costs of inspection and estimates and where required, costs of planning and design, to determine costs of restoration or replacement excluding those incurred in respect of elected officials and/or permanent staff of municipalities.

ADMINISTRATIVE GUIDELINES

7.1.1 Amount of claims. No claim shall exceed the estimate of cost required to restore a chattel or facility to its immediate pre-disaster condition.

7.1.2 Assistance to the reconstruction of private property in disaster-prone areas should only be provided on a "one-time" basis, unless effective action by the individuals to avoid recurrence is deemed impractical.

7.2 Costs not eligible shall include the following:

a. Costs which are recoverable at law or by insurance;

b. Costs which are of a class or kind for which provision is made in whole or in part under any other government program;

c. Costs incurred in dealing with damages to property or facilities in respect of which assistance was previously made available to prevent such damage, (except as noted in paragraph 9.6(d);

d. Costs incurred in dealing with damages which are an ordinary or normal risk of a trade, calling or enterprise;

e. Costs incurred by an individual for restoration or rehabilitation which cannot be considered essential to the restoration of his/her residence or livelihood or the reconstruction of essential community services. Non-essential items and facilities include summer cottages, non-essential roads and bridges, trailers, certain chattels, landscaping, fences and pleasure items;

f. Costs incurred for the restoration of property owned by large businesses and industries;

g. Costs which can be considered normal operating expenses of the municipal department or agency concerned and including maintenance budgets;

h. Municipal, retail and other similar taxes.

7.3 In certain instances the levels and types of costs shall be determined relative to the following:

a. The responsibility to take reasonable precautions, time permitting;

b. Precautions taken in response to any warnings or instructions which may have been issued by the appropriate authorities to protect life, limb and property;

c. The availability of insurance coverage at reasonable rates.

7.4 **Post-Disaster Assistance**

7.4.1 **Businesses and Individuals.** A suggested basis for determining claims shall be as follows:

a. Estimated depreciated value of essential goods and chattels (based on a list of eligible items and unit values);

b. Costs of restoration of property to pre-disaster functional condition, but not exceed the market value of the property.

7.4.2 **Public Sector.** A suggested basis for determining claims shall be as follows:

a. Construction must adhere to the prevailing building codes in the areas affected, and to those which may be approved by the participating agencies;

b. Only in exceptional circumstances should standard tendering practices and wage rates for the reconstruction and restoration programs in the post-disaster period differ from normal approved procedures and policies of the participating agencies.

7.5.1 **Appeal from Disaster Assistance Award.**

Any person who:

a. Is dissatisfied with the amount awarded for the restoration of property to pre-disaster condition; or

b. Claims property and/or chattels exempted are eligible for disaster assistance; or

c. Desires to claim exceptional circumstances; may make application to the Manitoba Disaster Assistance Board.

7.5.2 **Procedure for Appeal** (See Appendix A)

GENERAL ADMINISTRATIVE PROCEDURES

8.1 In the event that a disaster occurs it usually become apparent within a few days whether or not it is of a magnitude which will qualify for provincial compensation.

In those instances where the municipal per capita threshold is surpassed, a formal request to the Manitoba Disaster Assistance Board for compensation may be made by the municipality.

8.2 The Chairman of the Manitoba Disaster Assistance Board is the provincial official who, with the assistance of the Engineering and Construction Branch and/or any other required department will liaise with the municipal officials in assessing the damage and preparing the submission of municipal claims to the provincial government.

8.3 Wherever possible, inspection and evaluation teams should be established jointly by the provincial and municipal governments to review damages and to compile an initial report to the appropriate authorities.

(a) For public sector claims the Manitoba Disaster Assistance Board, the Engineering and Construction Branch and/or any other required department and municipal officials shall jointly tour the damaged areas making evaluation and estimates of damaged public works, lands and buildings.

(b) For private sector claims including small businesses, Manitoba Disaster Assistance Board inspectors will estimate damage and submit initial report to the appropriate authorities.

8.4 The aforesaid public and private sector damage reports shall form the basis on which overall estimates of damage, attributable to the disaster, can be made. In the public sector, these reports have great importance since eventual municipal claims for repair of damage to public works must be able to be related and reconciled to these initial damage estimates.

8.5 In the public sector, detailed and special accounting procedures must be used by the municipality so that work required to repair public sector damage can be distinguished from on-going maintenance and other work. This should include special accounting procedures for each project and the maintenance of special worksheets showing where labour and administration is additional to that which would normally be carried on by the municipality.

8.6 Upon completion of the compilation of Public Sector damage estimates, an overall level of expenditure shall be estimated. At the request of the municipality, an advance payment may be considered. No advance payments will be made during the immediate disaster period, until; cost figures are assigned to municipal expenditures, and the estimated public damage reports are completed.

In agreeing to an advance payment, actual municipal expenditures shall be taken into account and the advance payment shall not be greater than the provincial portion of municipal expenditures incurred to the date of payment.

8.7 The Manitoba Disaster Assistance Board, the Engineering and Constructin Branch and/or any other required department should maintain a close liaison with the municipal claims administration, both to advise the municipality as to what is eligible under the program, to seek specific interpretations on behalf of the municipality and to provide appropriate counsel to the provincial auditors at the time of final audit of the municipal claim.

8.8 Municipal Advisors shall pre-audit all municipal claims, final and/or interim. When municipal claims are submitted, the Manitoba Department of Finance is tasked with the provincial audit. This method of pre-audit will be used for major disasters for which municipal claims for large amounts may be anticipated.

8.9 When the final Department of Finance audit report is submitted, questions of eligibility and interpretation may still arise. These cases are to be considered and taken up directly with the municipality by provincial administrators.

8.10 Municipal Population is defined as that established for provincial/municipal tax sharing in May of the calendar year in which the disaster occurs.

8.11 An application form for damage inspection and cost estimation in the private sector is shown on Appendix "B".

GENERAL INTERPRETATIONS

9.1 In most instances the repair of damage to property is the responsibility of the owner of the property whether that owner is an individual, corporation, or municipality.

9.2 When disaster strikes, damage can be wide ranging enough that governments (municipal, provincial or federal) feel that assistance should be given to individuals to help restore them to a level where they are provided with the basic necessities of life.

9.3 The Disaster Financial Assistance Policy only applies where the provincial government becomes financially involved as defined by the formula, that is to say, where eligible municipal costs, as defined by the Guidelines and explained further in this Manual exceed $1 per capita of the municipal population.

9.4 The provincial policy and guidelines define eligible expenditures as those necessary to provide basic assistance to the private or public sectors to repair damage or compensate for certain losses in order to place the affected persons or institutions back in a pre-disaster condition with respect to essential items. It should be noted that municipalities may wish to define their assistance in broader terms than the provincial Guidelines and, if so, they run the risk of increasing their financial responsibility as expenditures on a broader framework than those allowed under the Guidelines and will not be considered eligible for provincial cost-sharing.

9.5 In defining what is eligible in general terms, the following must be taken into account:

a. That the municipality involved must have incurred the expenditure (i.e. paid out a claim). This means that any recoveries by a municipality (for example from an Insurance Company) must be deducted from the cost incurred in order to reach a net expenditure eligible for compensation.

b. On the individual or corporate level, claims must also be on a net cost basis. That is, costs of damage repair must be adjusted to reflect any recoveries received by the individual or corporation.

9.6 Given that the aim of the provincial policy is to provide for compensation of basic assistance in order to restore individuals to a pre-disaster condition with respect to essentials, certain items are not eligible. These are covered under paragraph 7.3 of the provincial Guidelines and can be generally defined as follows:

a. **Any damage for which costs are recoverable by insurance or at law.** With respect to insurance, any damage for which insurance coverage was available (whether or not it was purchased) at reasonable cost is not eligible. "Reasonable cost" is defined as insurance policies which are generally available to the public at

large and have been well subscribed. For certain losses which tend to be unique, an investigation should be carried out as to whether insurance coverage could have been purchased and whether the rate would have been reasonable given the type of loss incurred relative to the activity in which the individual or company was engaged.

With respect to recoveries at law, this would apply in a case where the disaster was caused by an non-natural occurrence for which civil proceedings could be brought against an individual, corporation or government.

b. Damages for which provision is made in whole or in part under any other government program. This provision has been generally brought to bear in the case where crop damage is incurred. It should be noted, however, that other types of damage could occur for which compensation is available under other government programs.

With respect to crop damage, the federal government operates an "umbrella" program of crop insurance through federal-provincial agreements. This program allows the province to designate certain crops under the federal program as eligible for crop insurance payments. Farmers then elect for coverage through the province. The interpretation will be that crop damage is not eligible if the specific crop could have been covered under the federal umbrella program. Cases may arise where the crop could have been covered under the federal program but where the province did not elect to opt into the program for that specific crop. In these cases, the rule will be that since insurance coverage was not available to the individual these losses will be eligible for compensation.

c. This could also be the case for some types of horticultural propagation and experimental stocks where insurance coverage is not available or not readily available and where premium rates are deemed unreasonable. These situations can be considered as eligible for compensation.

d. Damages to property or facilities in respect of which assistance was previously made available to prevent such damage. This provision will involve areas in which the provincial government has participated in flood or other emergency prevention works (past, present or future) administered by the Board and/or provincial government departments.

The Red River area program, of dyking and raising, would come under this provision. That program dyked and raised to levels defined by the Manitoba Disaster Assistance Board. However, should an extremely serious flood occur which would bring flood levels to above that present protected level, the Red River Valley could still be eligible for assistance. Included in this eligibility for assistance are those residents of the Red River

Valley who were unable to avail themselves of the assistance offered to take protective measures during the period they were offered.

It should be noted that once areas are identified under the Federal/ Provincial Flood Agreement, no compensation will be paid under the Disaster Financial Assistance Policy in respect of damage to new structures completed after March 31, 1981, in the areas to be designated by Provincial Order-in-Council.

e. **Damages which are an ordinary or normal risk of trade, calling or enterprise.**

f. **Costs incurred for restoration or rehabilitation which cannot be considered essential to the restoration of an individual to his home or livelihood or the reconstruction of community services.** This is a broad provision and what shall be deemed "essential" is dealt with under the more detailed interpretations below.

g. **Costs incurred for restoration of property owned by large businesses and industries.** This matter is covered under specific interpretations relating to "business".

h. **Costs which are considered normal operating expenses of the municipal department or agency concerned and including maintenance budgets.** This matter is covered under the Public Sector Interpretations below.

i. **Eligible costs shall not include municipal, retail and other similar taxes.**

PUBLIC SECTOR

10.1 In responding to a disaster, almost all Public Sector costs, other than those related to normal ongoing or operating costs of a municipal government, shall be considered eligible for compensation under the Disaster Financial Assistance Policy. This includes all pre-emptive action such as evacuation, building of temporary dykes, sand bagging, moving of livestock or dropping feed to stranded livestock, and rental of equipment. What is not included is the purchase, by a municipality or individual, of special or additional equipment to fight the disaster, salaries (other than over-time) of permanent employees, or any expenditures which are considered the responsibility of the public sector to incur as a preventative measure. That is, there is to be no compensation for equipment or measures which would normally be purchased or taken by a municipality to prepare itself for the eventuality of a major natural disaster.

10.2 Overtime costs, including payment where applicable for statutory holidays of permanent municipal employees, are considered eligible for compensation as being above and beyond normal operating costs.

10.3 In the immediate post-disaster period, only those costs of estimating damage, in addition to the use of regular municipal employees, are eligible for compensation.

10.4 It is essential that with respect to the ongoing versus additional costs of municipal service, accurate time sheets for labour and equipment shall be maintained by the municipality.

10.5.1 All damage to public works such as roads, bridges, dykes, dams, breakwaters, etc., shall be eligible for compensation only in an amount which would restore the public work in question to its immediate pre-disaster condition. No compensation shall take place in respect of upgrading public works to higher standards than those which existed before the disaster. In the damage estimation process in the immediate post-disaster period, the estimates shall be based on the cost to repair a structure or public work to its immediate pre-disaster condition. In the event the municipality wishes to upgrade the public work to a higher standard, only the portion of the estimate which would have brought the structure to its pre-disaster condition shall be eligible for compensation. The additional cost incurred to raise the standard of the public work shall not be eligible for compensation.

10.5.2 In repairing damage to public works such as those mentioned above (not including upgrading), municipal resources used in such repair are eligible for compensation. Such work can either be contracted out to the private sector or done by municipal resources. Either method would be eligible for compensation providing the normal reference to damage estimates is maintained.

10.6 Intra-departmental payments; as an example, costs of renting of equipment of one municipal department by another, are not eligible for compensation; municipal handling or administration costs for moving goods in and out of municipal warehouses are not eligible for compensation.

10.7 Interest costs on bank borrowing by municipalities, used as bridge financing until provincial monies are received, will not be considered eligible. However, this matter may be reviewed, and under certain specific conditions, may be considered eligible for compensation.

10.8.1 Crown Corporations, whether provincial or municipal are not eligible for compensation unless, as provided for in paragraph 6.4 (f) of the Guidelines, they are repair costs for damage incurred by corporations which provide sewer and water services.

10.8.2 Certain preventative measures taken during the disaster period to protect Crown corporation property shall be considered eligible for compensation in the same manner as measures taken to prevent damage to other facilities.

10.9 The Guidelines provide for compensation in the event of damage to public recreational facilities. These have been interpreted in a broad sense and are not required to be of an essential nature.

10.10 The linking of separate disasters in a fiscal year is not permitted under the Disaster Financial Assistance Policy. Exceptions may be granted in those instances where it can be determined that an inter-related series of events are in effect one singular event. Also, it is recognized that circumstances may warrant special consideration of multiple disasters on an ad hoc basis.

10.11 As noted previously, eligible costs incurred by a municipality include the net costs. Contributions from private agencies shall be subtracted from a municipality's total costs before eligible costs are determined.

10.12 The interpretation between Estimated vs. Actual costs. Eligible amounts are based on the actual cost of repair for restoration to pre-disaster condition. It is essential that a municipality must have actually incurred the repair costs in order to be eligible for compensation.

10.13 Estimated costs are used when a public work is to be repaired to higher than pre-disaster standards. In those cases, since the final cost will include repair to higher standards, the estimated amount which would have been required to repair to pre-disaster condition will be included in eligible municipal expenditures for that particular project.

10.14 It is imperative that all municipal claims be fully supported by invoices, time sheets, etc. for work done so that the claim can be reconciled to the initial damage estimates report.

10.15 Indian Reserves are the responsibility of the Federal Department of Indian and Northern Affairs. However, for reasons of equity, the province treats status Indians on reserve property in the same manner as it treats any citizen. Any eligible costs incurred by them are to be included in the provincial claim and 100% of these costs, including administrative costs, are to be reimbursed through the Federal/Provincial Arrangements.

10.15.1 Federal public works on Indian Reserves are the responsibility of the Federal Department of Indian and Northern Affairs.

10.15.2 Damage of municipal public works or roads on reserve property are included for compensation under the general formula which applies to the Policy and are reimbursed 100% by the Federal Government.

10.16 Self-Insurance. Some municipal governments may follow a policy of self-insurance while others purchase insurance from the private sector. The manner in which a municipality is compensated should not interfere with a management or administrative decision by that municipality as to which method of insurance coverage is less costly to them. In order to treat all municipalities equally, it is understood that a municipality could self-insure and, therefore, be paid the full amount of damage to public property even though private insurance could have been purchased. If the municipality is privately insured, the deductible amounts for public sector damage are eligible for compensation purposes.

10.17 A claim for landscape damage is not normally accepted for compensation. There may be exceptions, where for instance the damge was to a public recreation facility, such as a part of a university botanical garden or a zoo. Landscaping around public buildings such as hospitals is not eligible for compensation.

INDIVIDUAL CLAIMS

(General)

11.1 Because of the numerous situations which arise in respect of individual claims, a great number of detailed interpretations have been rendered under prior programs. It is not the intent of this guideline to detail each of these individual cases. However, it is the intent to place here certain general principles relating to the eligiblity of individual claims to list as eligible or ineligible some of the more frequent occurrences.

11.2 The Manitoba Disaster Assistance Board shall establish guidelines for compensation to individuals. These guidelines shall deal with matters determining the amount of compensation to be paid, including: chattels which are deemed essential and therefore eligible for compensation; maximum amounts of compensation for individual chattels; and rules concerning compensation for work done by the individuals who suffered the damage.

11.3 Clean-up Payments. Whenever an individual is faced with a considerable amount of property damage, he is required to put considerable time and effort into simply cleaning up the property. It would not be logical to allow an individual to hire someone to do the work and treat those costs as eligible while at the same time not allowing work which the individual does himself as an eligible cost. Therefore, under the policy, compensation may be paid to individuals for cleaning up their own property as determined by the Manitoba Disaster Assistance Board.

Similar arrangements may be allowed for repair (as opposed to clean-up) of an individual's residence and/or property. All payments must be fully substantiated by accurate time sheets.

11.4 Garden and Lawn Damage. Generally, costs for landscape repair in the private sector are not eligible for compensation, other than for debris clearance, unless a municipal by-law requires residential properties to be sodded.

11.5 Fences on private non-farm property are not eligible for compensation under any circumstances.

11.6.1 Loss of Foodstuffs. It is considered as a general rule that foodstuffs will be eligible for compensation up to a reasonable maximum. Food in freezers or root vegetables stored in root cellars may be eligible for compensation up to a reasonable maximum per individual or per household as determined by the Manitoba Disaster Assistance Board.

11.6.2 Garden Vegetable Crops are not eligible for compensation.

11.7 Appurtenant Buildings and Property. Eligible costs include damage suffered only to garages and driveways. Other appurtenant buildings are not considered essential to an individual's livelihood unless, of course, the

individual qualifies as a full-time farmer. With respect to driveways, while the cost of repair to driveways will be included as eligible for compensation, this will not include paving of driveways.

11.8 Loss of income, loss of opportunity or inconveniences is not eligible for compensation.

11.9 Chattels. Deemed as eligible under these guidelines are major appliances such as stoves and refrigerators which cannot be repaired. However, where such applicances can be repaired, the cost of repair shall be eligible. Luxury items such as sporting goods, stereos, luxury fur coats, are not eligible for compensation.

11.10 Other items which are excluded from individual claims on the basis of non-essentiality are jewellery, cosmetics, documents and books, recreation and pleasure items, typewriters, electric razors (unless required for a vocation such as a reference or text books). Servicing of lawnmowers, small electrical tools, snowblowers and roto-tillers damaged as a result of a disaster will be eligible for compensation. Christmas decorations will also be eligible for compensation up to a reasonable maximum as determined by the Manitoba Disaster Assistance Board.

11.10.1 Whenever an evacuation has been ordered, reasonable food and accommodation expenses will be included as eligible for compensation.

11.11 Principal Residences. Property which is not occupied as a principal residence is not eligible for compensation under the guidelines, except in the case of rental property which is rented on a full-time basis. Unoccupied homes and unoccupied homes under construction are eligible for compensation in those instances where it can be shown to be or intended to be the principal residence of the individual.

11.12 Estate claims are not eligible for compensation. If the owner of a real property has died and the said property was not occupied at the time of death, and the heirs are waiting for the estate to be settled, compensation will not be allowed, however each case may be reviewed by the Manitoba Disaster Assistance Board.

11.13 Recreational Property such as private camps, clubs and cottages are not eligible for compensation except to the extent that one may be used as a principal residence by the owner. Not eligible for compensation are repair costs to private roads (as opposed to public roads) to such recreational properties. However, an establishment catering to the public and privately owned on which the owner is dependent for his livelihood, will be classified as a small business and so be eligible for compensation.

11.14 Eclesiastical properties and charitable clubs and camps will be eligible for compensation in accordance with the Private Sector Guidelines.

BUSINESSES

12.1 Small Business

12.1.1 Definition - According to the Guidelines small business is an operation which is owner-operated and the owner/operator is acting as a day-to-day manager of the operation and is dependent for his main livelihood on the operation and has no other major source of income. If these criteria are not met, small business claims will not normally be accepted for compensation.

12.1.2 Small business under the above definition may include many operations for which individuals by themselves would not be deemed eligible. Such could include a person who operates, as his business, rental income properties; an individual who builds houses by himself for eventual sale; and farm operations. It is essential in determining eligibility whether or not the individual concerned receives his major source of income from the business. Special rules for farm properties are covered under "Farm Operation".

12.1.3 In instances where trappers have lost equipment such as traps and snowmobiles, through flooding, these losses are considered eligible for compensation providing no insurance coverage is in place or is available.

12.2 Large Business

12.2.1 Such Assistance is not generally considered eligible. This is based on two premises:

(a) That larger businesses (non-owner/operated) have sufficient resources to recover damage costs and continue operating unless the damage is extremely severe;

(b) That such businesses do not provide the sole livelihood to the owners or operators. If the financial viability of a large business is threatened by a disaster, the problem should normally be considered in the context of economic development policy for the affected area, not in the context of the Disaster Financial Assistance Policy which is designed to provide basic assistance to individuals to restore their livelihood.

12.2.2 In cases where a large business is threatened and where the surrounding community is economically dependent upon that business, it may be considered eligible for compensation.

12.3 Non-profit Organizations

12.3.1 Cooperatives and Credit Unions, owned by individual members, as well as private charitable and non-profit organizations operated by a board consisting of a group of citizens, may be eligible for compensation.

FARM OPERATIONS

13.1 **Definition** - Farm Operation relative to the Guidelines, means an operation where the net income of the owner, tenant, lessee or occupant, derived from grain growing, raising or keeping farm stock, growing nursery stock or market gardening is greater than the net income derived from other sources.

13.2 **General Interpretations With Respect To Farm Operations**

13.2.1 **Livestock Losses** - Livestock losses, due to a disaster, are considered eligible for compensation, providing insurance is not available at reasonable cost.

13.2.2 **Crop Insurance** - In almost all instances, crops damaged by disasters have been insurable under the Federal-Provincial Crop Insurance Program. This Program is made up of a Federal "umbrella" program under which provinces may choose crops they wish to cover under their own programs. Many cases have arisen where certain crops were not insurable in a province although the province could have insured that crop under the federal umbrella program. In these cases, crop losses would be eligible for compensation. (Refer to 9.6 (b))

It should also be noted that the Federal Crop Insurance Program provides insurance for fallow and bare land and for unseeded acreage. The Manitoba Crop Insurance Corporation should be consulted in the event of any uncertainty.

13.3 A **farmhouse** will be treated in the same manner as any other principal dwelling. Outlying farm buildings, including greenhouses, on a working farm are generally deemed eligible. Also included as eligible for compensation have been servicing, repairs or replacement to a depreciated value of farm machinery, where such machinery could not have been insured.

13.4 In certain instances **crops already harvested** and in storage may have been destroyed by rising water. These losses are eligible for compensation unless either government or private insurance was available prior to the occurrence.

13.5.1 The Guidelines provide that eligible costs shall include costs of **restoring farmland** to suitable conditions. Damage to land cannot normally be insured and has been included as eligible, particularly where land gouging or erosion has taken place.

13.5.2 A general principle shall be applied that if the area of the farm which suffered such land gouging was not in production its restoration would not be eligible. As well, it should be noted that loss of market value of a farm, because of certain land gouging which could not be restored, is not eligible for compensation. There is a general principle that loss in income, loss of production, and loss of market value is not eligible, except as noted in 13.2.2 and 9.6 (b).

13.6 **Fences** on farms where livestock is kept are eligible for compensation. Ornamental fences around farmhouses are not eligible.

APPENDICES

APPENDIX "A"

MANITOBA DISASTER ASSISTANCE BOARD

PROCEDURE FOR APPEAL

The procedure on an appeal to the Board shall be as follows:

1. The claimant shall, within fifteen days from the date of receipt of notification of Disaster Financial Assistance approval, deliver or send by mail to the Secretary of the Manitoba Disaster Assistance Board, a written notice of appeal and the notice shall contain the grounds of, and all facts pertaining to, the appeal.

2. The chairman shall direct that a Board member evaluate the appeal together with staff evaluators and inspectors. If deemed necessary, the said member may convene a meeting with the claimant to consider all aspects of the appeal.

3. Subsequent to his review of the appeal, the said member shall submit a report to the Board, together with his recommendations.

4. The Board shall consider the report and may approve, reject or otherwise amend the said member's recommendations, and shall notify the claimant, in writing, as to its decision.

5. In the event the claimant is not prepared to accept said decision, he shall, within 15 days from the date of receipt thereof, request the said Secretary to convene a meeting with the Board, to further review his appeal.

6. The Board shall notify the claimant, in writing, as to its final decision, and the matter shall thenceforth be considered concluded and at an end.

7. In only the most unusual circumstances, and if deemed appropriate to do so, the Board may recommend reference of the claim, or any part thereof, to the Minister for his consideration.

APPENDIX "B"

Application for Assistance Re Losses and Damages

Buildings, Moveable Objects, Personal Effects, Other Out-of-Pocket Expenses and Erosion of Farm Lands

Careful completion of this form will greatly assist in early assessment and payment of your claim.

Name of Applicant _____ Telephone _____

Postal Address _____

_____

Legal Property Description _____ Tax Roll No. _____

Do you have insurance to cover any of your losses? Yes ☐ ☐

Receipts and invoices for all out-of-pocket expenses must be attached.

Size of Family	Male	Female
Adults (age 15 and over)		
Children (under age 15)		

Structural Damage to Buildings

If due to Flooding above basement floor above ground floor

Depth of water in building: _____ feet _____ feet

Place X where applicable

- ☐ Residence
- ☐ Garage
- ☐ Barn or Stable
- ☐ Other Buildings
- ☐ Small Business
- ☐ Farmland Erosion

For the buildings in question I am legally authorized to make representation as:

- ☐ Registered owner clear title
- ☐ Registered owner subject to Mortgage
- ☐ Registered owner under Agreement of Sale
- ☐ Tenant and agent of the owner, or
- ☐ Non-tenant agent of the owner.

If applicant is not the owner give name and address of owner.

Name _____ P.O. Address _____

Moveable Objects, Personal Effects, Out-of-Pocket Expenses and Details of Erosion

Quantity	Article	Original Cost	Year of Purchase
	If more space is required use reverse side or attach separate sheet.		

Note: Retain all items listed above for inspection by Board inspector, Agricultural Representative, Health Officer or Veterinarian.

DECLARATION

1. I certify that the above statements represent a true and correct listing of expenses and/or losses incurred by me.
2. I understand that any amount awarded as partial reimbursement of expenses incurred by me as a result of the disaster is a grant from Government.

Signature of Applicant _____ Date _____

APPENDIX C

MANITOBA FINANCIAL DISASTER ASSISTANCE POLICY

It has been proposed and agreed to by the Manitoba Disaster Assistance Board that the Federal-Provincial Cost-Sharing Formula be adapted to a Provincial-Municipality Shareability Formula in situations within the Province where the cost of disasters total less than $1.00 per Provincial capita.

In these situations, the Municipality would bear the cost of the first $1.00 per Municipal Capita and the balance would be shared between the Province and the Municipality on the formula basis.

When costs are <u>over</u> $1.00 per Provincial capita, then the Federal-Provincial Cost-Sharing Formula would apply.

Attached are three examples of the application of these formulas:

1. Where Public Sector damages are <u>under</u> $1.00 per Provincial Capita.

2. Where Public Sector damages are <u>over</u> $1.00 per Provincial Capita and confined to the Public Sector only.

3. Where Public Sector and Private Sector damages combined are <u>over</u> $1.00 per Provincial Capita.

The Board also proposes that where damages amount to <u>more</u> than $1.00 per Provincial Capita that the provincial/municipal cost sharing formula will no longer apply.

In the case of individuals and small businesses, the Board proposes that compensation be paid per disaster, claim not to exceed $30,000.00 subject to a deductible amount of $250.00 or 25% of approved costs, whichever is greater.

MANITOBA FINANCIAL DISASTER ASSISTANCE POLICY

EXAMPLE 1 - PUBLIC SECTOR

Assuming disaster costs are - $750,000.00

The Municipality's population is 10,000.00

Based on the Municipality paying the first $1.00 per capita.

	Provincial Share		Municipality Share
1st $10,000.00	0		$ 10,000.00
next $20,000.00 (up to $3.00 per cap) 50%	$10,000.00	50%	10,000.00
next $20,000.00 (up to $5.00 per cap) 75%	15,000.00	25%	5,000.00
next $700,000.00 (up to $5.00 per cap) 90%	630,000.00	10%	70,000.00
	$655,000.00		$ 95,000.00
	add Manitoba share		$655,000.00
			$750,000.00

MANITOBA FINANCIAL DISASTER ASSISTANCE POLICY

EXAMPLE 2 - PUBLIC SECTOR ONLY

Assuming: Municipal population - 10,000; Manitoba population 1,000,000

Public Sector Costs are -	$3,000,000.00
Municipal Share - 10% -	300,000.00
Total Eligible Costs -	$2,700,000.00

Federal - Provincial Cost Sharing Formula

	Provincial	Federal
First $1,000,000.00 (100 - 0)	$1,000,000.00	0
Next 1,700,000.00 (50 - 50)	850,000.00	$ 850,000.00
$2,700,000.00	$1,850,000.00	$ 850,000.00
Provincial		1,850,000.00
Total		$2,700,000.00

MANITOBA FINANCIAL DISASTER ASSISTANCE POLICY

EXAMPLE 3 - PUBLIC and PRIVATE SECTOR

Assuming: Municipal Population - 10,000; Province of Manitoba Population - 1,000,000.

Public Sector Costs are -		$3,000,000.00
Private Sector Costs are -		$3,000,000.00
	Total -	$6,000,000.00
Municipal Share - 10% -		300,000.00

Total Eligible Costs - $5,700,000.00

Federal - Provincial Cost Sharing Formula

			Province	Federal
First	$1,000,000.00		$1,000,000.00	0
Next	2,000,000.00	50% - 50%	1,000,000.00	$1,000,000.00
Next	2,000,000.00	25% - 75%	500,000.00	1,500,000.00
Next	700,000.00	10% - 90%	70,000.00	630,000.00
	$6,000,000.00		$2,570,000.00	$3,130,000.00
Provincial -				2,570,000.00
Total				$5,700,000.00

INDEX

INDEX

	PAGE	PARA
absentee owners - (Principal residences)	24	11.11
accounting procedures - public sector	13	8.5
accommodation costs	24	11.10.1
administrative guidelines	11	
administrative procedures - general	13	
advance payments	13	8.6
appeals (Complaint)	12	7.5.1
appliances	24	11.9
appurtenant buildings	24	11.7
	26	13.3
audit	14	8.8
books - loss of	24	11.10
camps	24	11.13
		11.14
canned goods	23	11.6.1
chattels - loss or damage	24	11.9
church property	24	11.14
clean-up payments	23	11.3
clubs - damage	24	11.13
complaints	12	7.5.1
contributions - private agency	20	10.11
cosmetics - loss	24	11.10
costs - actual vs estimated	20	10.12
costs - not eligible	15	9.6
cottages - damage	24	11.13
crops - damage and insurance	16	9.6 (b)
	26	13.2.2
crops - harvested	26	13.4
Crown corporations	20	10.8.1
damage estimates	13	8.3
damage - normal risk	17	9.6 (e)
debris clearance	23	11.4

	PAGE	PARA
decorations - loss	24	11.10
Department of Agriculture	26	13.2.2
Dept. of Indian and Northern Affairs	20	10.15
documents - loss	24	11.10
driveways - repair	24	11.7
electric razors - loss	24	11.10
eligible costs	11	7.2
	15	9.4
		9.5
eligible costs - immediate post-diaster period	20	10.3
eligible costs - public sector	20	
equipment purchase - public sector	20	10.1
essential items	15	9.4
estate claims	24	11.12
estimates - damage	12	8.3
farm houses, farm buildings and machinery	26	13.3
farm lands - damage	26	13.5.1
farm operations	26	13.1
Federal Crop Insurance Program	26	13.2.2
fences - farm	26	13.6
fences - private property	23	11.5
flood damage reduction program	16	9.6 (d)
foodstuffs - loss	23	11.6.1
formula - cost sharing - Mun. & Prov.	2	4.2.2
fur coats - loss	24	11.9
garages - damage	24	11.7
garden and lawn damage	23	11.4
government programs - other	16	9.6 (b)
guidelines - policy	5	
home entertainment - loss	24	11.9
homes under construction	24	11.11
homes - unoccupied	24	11.11
inconvenience compensation	24	11.8
Indian Reserves	21	10.15

	PAGE	PARA
initial report	13	8.3
inspection teams and reports	13	8.4
insurance - municipal government	21	10.16
insurance - public	16	9.6 (a)
insurance - reasonable cost - definition	16	9.6 (a)
interest - bank loans	20	10.7
interpretation - general principles	15	
interpretation - private sector	23	
interpretation - public sector	19	
involvement - provincial	15	9.3
intra-departmental payments	19	10.6
jewellery - loss	24	11.9
land erosion	26	13.5.1
landscape damage	21	10.17
	23	11.4
large busineses and industries	16	9.6 (g)
	25	12.2
lawnmowers - loss	24	11.9
linking disasters	20	10.10
livestock losses	26	13.2.1
loss of income, opportunity, production	24	11.8
	24	11.10
	26	13.5.2
luxury items	24	11.9
market value - loss of	26	13.5.2
meals - reimbursement	24	11.10.1
moving expenses	20	10.6
multiple disasters	20	10.10
municipal expenditures	13	8.6
municipal resources - use for repair	18	10.5.2
municipal taxes	17	9.6 (i)
net costs	20	10.11
normal operating expenses	17	9.6 (h)
overpayments - advance	13	8.6

	PAGE	PARA
perishable food - loss	23	11.6.1
population - municipal - definition	14	8.10
pre-disaster condition	15	9.4
	18	10.5.1
	20	10.13
pre-emptive action - public sector	18	10.1
private contributions	20	10.11
private roads - damage	24	11.13
private sector requests - appraisal	13	8.3
public sector damage assessment	13	8.3
public works damages	13	8.3
public works - eligibility	18	10.5.1
recoveries at law	16	9.6 (a)
recreational facilities - public	20	10.9
recreational property - damage	24	11.13
Red River dyking and raising program	17	9.6 (d)
rental income properties	24	11.11
	25	12.1.2
rental of equipment - public sector	18	10.1
repair payments	23	11.3
request for assistance - initial	13	8.1
residence - principal	24	11.11
responsibility for repair	15	9.1
salaries - permanent employees	19	10.1
service clubs - damage	24	11.14
small business - definition	25	12.1.1
sod - damage	23	11.4
sporting goods - loss	24	11.9
stereos - loss	24	11.9
summer camps - damage	24	11.14
television sets - loss	24	11.9
time frame - completion of damage estimates	13	8.6
time sheets	19	10.4
tools - loss	24	11.10

	PAGE	PARA
trappers' equipment - loss	25	12.1.3
typewriters - loss	24	11.10
vegetables	23	11.6.2